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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/610,613	07/05/2000	Machio Moriuchi	034620-065	3903
7590	08/29/2006		EXAMINER	
Thelen Reid & Priest LLP P.O. Box 640640 San Jose, CA 95164-0640			GAUTHIER, GERALD	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 08/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/610,613	MORIUCHI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Gerald Gauthier	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 19 June 2006.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-39 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. **Claim(s) 1, 6, 9, 13, 14, 19, 22, 26, 27, 32, 35 and 39** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. **Claim 1** recites the limitation "the terminal" in lines 7, 9, 11, and 13. There is insufficient antecedent basis for this limitation in the claim.

**Claim 6** recites the limitation "the voice data" in line 3, "said voice data" in lines 9-14 and "the terminal" in lines 7-9, and 13. There is insufficient antecedent basis for this limitation in the claim.

**Claim 9** recites the limitation "the terminal" in lines 8, 9 and 11. There is insufficient antecedent basis for this limitation in the claim.

**Claim 13** recites the limitation "the voice data" in line 5, "said voice data" in lines 14-17, 19- 23 and 27 and "the terminal" in lines 9, 10, 12-14, 17, 18, 20, 22, 24 and 26. There is insufficient antecedent basis for this limitation in the claim.

**Claim 14** recites the limitation "the terminal" in lines 7, 9, 11 and 13. There is insufficient antecedent basis for this limitation in the claim.

**Claim 19** recites the limitation "the voice data" in line 3, "said voice data" in lines 9-14 and "the terminal" in lines 7-9, and 13. There is insufficient antecedent basis for this limitation in the claim.

**Claim 22** recites the limitation "the terminal" in lines 8, 9 and 11. There is insufficient antecedent basis for this limitation in the claim.

**Claim 26** recites the limitation "the voice data" in line 5, "said voice data" in lines 14-16, 18-22 and 25 and "the terminal" in lines 8, 9, 11, 13, 16, 17, 19, 21, 23 and 24. There is insufficient antecedent basis for this limitation in the claim.

**Claim 27** recites the limitation "the terminal" in lines 8, 10, 12 and 14. There is insufficient antecedent basis for this limitation in the claim.

**Claim 32** recites the limitation "the voice data" in line 4, "said voice data" in lines 10-15 and "the terminal" in lines 8-10 and 14. There is insufficient antecedent basis for this limitation in the claim.

**Claim 35** recites the limitation "the terminal" in lines 9, 10 and 12. There is insufficient antecedent basis for this limitation in the claim.

**Claim 39** recites the limitation "the voice data" in line 6, "said voice data" in lines 14-23 and 27 and "the terminal" in lines 9, 10, 12-14, 17, 20, 22, 24 and 26. There is insufficient antecedent basis for this limitation in the claim.

**Claim(s) 2-5, 7, 8, 10-12, 15-18, 20, 21, 23-25, 28-31, 33, 34 and 36-38** are rejected for being dependent of rejected claims above.

4. The term "shorter" in **claim 6** in line 3, **claim 13** in line 5, **claim 19** in line 3, **claim 26** in line 5, **claim 32** in line 4 and **claim 39** in line 6 is a relative term which renders the claim indefinite. The term "shorter" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one

of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

***Response to Arguments***

5. Applicant's arguments with respect to **claim(s) 1-39** have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539 . The examiner can normally be reached on 8:00 AM to 4:30 PM .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547 . The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system . Status information for published applications may be obtained from either Private PAIR or Public PAIR . Status information for unpublished applications is available through Private PAIR only . For more information about the PAIR system, see <http://pair-direct.uspto.gov> . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) .

  
**GERALD GAUTHIER**  
**PATENT EXAMINER**

GG  
August 7, 2006

Gerald Gauthier  
Examiner  
Art Unit 2614